

# OKLAHOMA CHARTER SCHOOLS ACT

70 O.S. § 3-130 et seq.



# Overview

What is the purpose of the Oklahoma Charter Schools Act?

# Purpose of the Oklahoma Charter Schools Act (70 O.S. § 3-131)

- Improve student learning
- Increase learning opportunities for students
- Encourage the use of different and innovative teaching methods;
- Provide additional academic choices for parents and students;
- Require learning and create different and innovative forms of measuring student learning;
- Establish new forms of accountability;
- Create new professional opportunities for teachers and administrators.

# Who can sponsor a charter school?

- School districts
- Technology center school districts
- Higher ed institutions
- Federally-recognized Indian tribes
- State Board of Education
- Statewide Virtual Charter School Board  
(Statewide virtual charter schools)

# School districts

## 70 O.S. § 3-132(A)(1)-(2)

- By a school district **with an average daily membership of five thousand (5,000) or more and which all or part of the school district is located in a county having more than five hundred thousand (500,000) population according to the latest Federal Decennial Census;**
- By a school district which has **a school site that has been identified as in need of improvement** by the State Board of Education

# Technology center school districts

## 70 O.S. § 3-132(A)(3)-(4)

- By a technology center school district if:
  - ▣ The charter school is located in a school district served by the technology center school district and **the school district has an average daily membership of five thousand (5,000) or more and which all or part of the school district is located in a county having more than five hundred thousand (500,000) population** according to the latest Federal Decennial Census;
  - ▣ The charter school is located in a school district served by the technology center school district and **the school district has a school site that has been identified as in need of improvement** by the State Board of Education

# Higher ed institutions

## 70 O.S. § 3-132(A)(5)-(6)

- By a comprehensive or regional institution that is a member of The Oklahoma State System of Higher Education and has a teacher prep program accredited by the OCTP if:
  - ▣ The charter school is located in **a school district that has an average daily membership of five thousand (5,000) or more and which all or part of the school district is located in a county having more than five hundred thousand (500,000) population** according to the latest Federal Decennial Census. OR
  - ▣ The charter school is located in **a school district that has a school site that has been identified as in need of improvement** by the State Board of Education.

# Federally-recognized Indian tribes

## 70 O.S. § 3-132(A)(7)

- By a federally recognized Indian tribe, operating a high school under the authority of the Bureau of Indian Affairs as of November 1, 2010, if
  - ▣ **The charter school is for the purpose of demonstrating native language immersion instruction, and is located within its former reservation or treaty area boundaries.**

# State Board of Education

## 70 O.S. § 3-132(A)(8)

- By the State Board of Education when:
  - The applicant of the charter school is the Office of Juvenile Affairs or the applicant has a contract with the Office of Juvenile Affairs to provide a fixed rate level E, D, or D+ group home service and
  - The charter school is for the purpose of providing education services to youth in the custody or supervision of the state.
  - Not more than two charter schools shall be sponsored by the Board as provided for in this paragraph during the period of time beginning July 1, 2010, through July 1, 2016.

# Statewide Virtual Charter School Board – 70 O.S. §3-145.1

- Statewide Virtual Charter School Board has *sole authority* to authorize and sponsor **statewide virtual charter schools** in Oklahoma

# Sponsorship Applications

What are the requirements for a charter school's application for sponsorship?

- Charter school training
- Written application

# Written Application Requirements

## 70 O.S. §3-134(B)

- Documentation that the applicants have completed the charter school training

# Written Application Requirements

## 70 O.S. §3-134(B)

- Mission statement for the charter school
- Description of organizational structure and governing body of the charter school
- Financial plan for first three (3) years of operation
- Description of the treasurer or other officers or persons who shall have primary responsibility for the finances of the charter school.
  - ▣ Such person shall have demonstrated experience in school finance or the equivalent thereof
- Description of the hiring policy of the charter school

# Written Application Requirements

## 70 O.S. §3-134(B)

- The name of the applicant/applicants and requested sponsor
- A description of:
  - ▣ The facility and location of the charter school
  - ▣ Grades being served
- Outline of criteria designed to measure the effectiveness of the charter school

# Written Application Requirements

## 70 O.S. §3-134(B)

- Demonstration of support for the charter school from residents of the school district
  - ▣ May include (but is not limited to) a survey of the school district residents or
  - ▣ A petition signed by the residents of the school district

# Physical Location of the School Site

## 70 O.S. § 3-134 (D)

- The physical location of a charter school sponsored by a board of education of a school district, or a technology center school district shall be within the boundaries of the sponsoring school district.
- The physical location of a charter school sponsored by the State Board of Education when the applicant of the charter school is the Office of Juvenile Affairs shall be where an Office of Juvenile Affairs facility for youth is located.
- See 2012 OK AG 12

# Charter School Approval Process

What are the timelines for a charter school application?

# Application Timelines

## 70 O.S. § 3-134(E)

- Proposed sponsor shall either accept or reject application for sponsorship *within ninety (90) days of receipt of the application*
- If sponsor rejects application, it must notify applicant in writing of reasons for rejection
- Applicant may resubmit a revised application for reconsideration *within thirty (30) days after receiving notification of rejection*
- Proposed sponsor shall accept or reject the revised application *within thirty (30) days of its receipt*

# Application Timelines - Acceptance

## 70 O.S. § 3-134(F) & (H)

- Sponsor shall notify the State Board of Education when it accepts sponsorship of a charter school.
- The notification shall include a copy of the charter of the charter school.
- If a board of education of a technology center school district, a higher education institution, the State Board of Education, or a federally recognized Indian tribe accepts sponsorship of a charter school:
  - ▣ The administrative, fiscal and oversight responsibilities of the technology center school district, the higher education institution, or the federally recognized Indian tribe shall be listed in the contract.
- No responsibilities shall be delegated to a school district unless the local school district agrees to assume the responsibilities.

# Application Timelines - Rejection

## 70 O.S. § 3-134(G)

- If a proposed sponsor rejects the application, **the applicant may proceed to mediation or binding arbitration or both mediation and binding arbitration as provided in the Dispute Resolution Act and the rules promulgated pursuant thereto.**
  - ▣ The applicant shall contact the early settlement program for the county in which the charter school would be located.
  - ▣ If the parties proceed to binding arbitration, a panel of three arbitrators shall be appointed by the director of the early settlement program handling the dispute.
  - ▣ The proposed sponsor shall pay the cost for any mediation or arbitration requested pursuant to this section.

# Statewide Virtual Charter School – Appeals 70 O.S. § 3-145.3(F)

- The decision of the Statewide Virtual Charter School Board to deny, nonrenew or terminate the charter contract of a statewide virtual charter school may be appealed to the State Board of Education within thirty (30) days of the decision by the Statewide Virtual Charter School Board.
- The State Board of Education shall act on the appeal within sixty (60) days of receipt of the request from the statewide virtual charter school applicant.
- The State Board of Education may reverse the decision of the Statewide Virtual Charter School Board or may remand the matter back to the Statewide Virtual Charter School Board for further proceeding as directed.

# The Charter/The Written Contract

What has to be included?

# The Written Contract

## 70 O.S. § 3-135

- The sponsor of a charter school shall enter into a written contract with the governing body of the charter school. The contract shall incorporate the provisions of the charter of the charter school and contain, but shall not be limited to, the following provisions:
  - A description of the program to be offered by the school which complies with 70 O.S. § 3-136;
  - Admission policies and procedures;
  - Management and administration of the charter school;
  - Requirements and procedures for program and financial audits;
  - A description of how the charter school will comply with the charter requirements set forth in the Oklahoma Charter Schools Act;
  - Assumption of liability by the charter school; and
  - The term of the contract.

# The Charter

## 70 O.S. § 3-136

- The charter of a charter school shall include
  - ▣ A description of the personnel policies, personnel qualifications, and method of school governance, and the specific role and duties of the sponsor of the charter school. (70 O.S. § 3-136(B))
  - ▣ A provision specifying the method or methods to be employed for disposing of real and personal property acquired by the charter school upon expiration or termination of the charter or failure of the charter school to continue operations. (See 70 O.S. § 3-136(F))
- The charter of a charter school may be amended at the request of the governing body of the charter school and upon the approval of the sponsor. (70 O.S. § 3-136(C))

# Charter School Compliance

## 70 O.S. § 3-136(A)(1)-(2)

- Charter schools do have flexibility regarding compliance with certain laws
- The charter must ensure compliance with the following:
  - ▣ All federal regulations and state and local rules and statutes relating to health, safety, civil rights and insurance
  - ▣ Shall be nonsectarian in its programs, admission policies, employment practices, and all other operations.
  - ▣ A sponsor may not authorize a charter school or program that is affiliated with a nonpublic sectarian school or religious institution

# Charter School Compliance

## 70 O.S. § 3-136(A)(3)

- The charter school may provide a comprehensive program of instruction for a prekindergarten program, a kindergarten program or any grade between grades one and twelve.
- Instruction may be provided to all persons between the ages of four (4) and twenty-one (21) years.
- A charter school may offer a curriculum which emphasizes a specific learning philosophy or style or certain subject areas such as mathematics, science, fine arts, performance arts, or foreign language.
- The charter of a charter school which offers grades nine through twelve shall specifically address whether the charter school will comply with the graduation requirements established in Section 11-103.6 of this title.
- No charter school shall be chartered for the purpose of offering a curriculum for deaf or blind students that is the same or similar to the curriculum being provided by or for educating deaf or blind students that are being served by the Oklahoma School for the Blind or the Oklahoma School for the Deaf.

# Charter School Compliance

## 70 O.S. § 3-136(A)(4)

- A charter school shall participate in the testing as required by the Oklahoma School Testing Program Act and the reporting of test results as is required of a school district.
- A charter school shall also provide any necessary data to the Office of Accountability.

# Charter School Compliance

## 70 O.S. § 3-136(A)(5)-(6)

- Except as provided for in the Oklahoma Charter Schools Act and its charter, a charter school shall be exempt from all statutes and rules relating to schools, boards of education, and school districts;
- A charter school, to the extent possible, shall be subject to the same reporting requirements, financial audits, audit procedures, and audit requirements as a school district.
- The State Department of Education or State Auditor and Inspector may conduct financial, program, or compliance audits.
- A charter school shall use the Oklahoma Cost Accounting System to report financial transactions to the sponsoring school district.

# Charter School Compliance

## 70 O.S. § 3-136(A)(7)-(10)

- A charter school shall comply with all federal and state laws relating to the education of children with disabilities in the same manner as a school district.
- A charter school shall provide for a governing body for the school which shall be responsible for the policies and operational decisions of the charter school.
  - ▣ The governing body of a charter school shall be subject to the same conflict of interest requirements as a member of a local school board.
- A charter school shall not be used as a method of generating revenue for students who are being home schooled and are not being educated at an organized charter school site.
- **A charter school may not charge tuition or fees.**

# Charter School Compliance

## 70 O.S. § 3-136(A)(11)-(13)

- A charter school shall provide instruction each year for at least the number of days required in 70 O.S. § 1-109 (180 days/1080 hours).
- A charter school shall comply with the student suspension requirements provided for in 70 O.S. § 24-101.3.
- A charter school shall be considered a school district for purposes of tort liability under The Governmental Tort Claims Act.

# Charter School Compliance

## 70 O.S. § 3-136(A)(14)-(16)

- Employees of a charter school may participate as members of the Teachers' Retirement System of Oklahoma in accordance with applicable statutes and rules if otherwise allowed pursuant to law.
- A charter school may participate in all health and related insurance programs available to the employees of the sponsor of the charter school.
- A charter school shall comply with the Oklahoma Open Meeting Act and the Oklahoma Open Records Act.

# Charter School Compliance

## 70 O.S. § 3-136(D)-(E)

- A charter school may enter into contracts and sue and be sued.
- The governing body of a charter school may not levy taxes or issue bonds.

# Charter Contract Renewal

## 70 O.S. § 3-137(A)

- An approved contract for a charter school shall be effective for not longer than five (5) years **from the first day of operation.**
- Prior to the beginning of the fifth year of operation, the charter school may apply for renewal of the contract with the sponsor.
- The sponsor may deny the request for renewal if it determines the charter school has failed to complete the obligations of the contract or comply with the provisions of the Oklahoma Charter Schools Act.
- A sponsor shall give written notice of its intent to deny the request for renewal **at least eight (8) months prior to expiration of the contract.**

# Charter Contract Termination

## 70 O.S. § 3-137(C)

- A sponsor may terminate a contract during the term of the contract for:
  - ▣ Failure to meet the requirements for student performance contained in the contract,
  - ▣ Failure to meet the standards of fiscal management,
  - ▣ Violations of the law, or other good cause.
- The sponsor shall give **at least ninety (90) days' written notice to the governing board prior to terminating the contract.**
- The governing board may request, in writing, an informal hearing before the sponsor within fourteen (14) days of receiving notice.
- The sponsor shall conduct an informal hearing before taking action.

# Charter Contracts

## 70 O.S. § 3-137(C)(D)

- If a sponsor denies a request for renewal, or if the sponsor decides to terminate the contract, the governing board may proceed to mediation or binding arbitration or both as provided for in 70 O.S. § 134
- If a contract is not renewed, the governing board of the charter school may submit an application to a proposed new sponsor as provided for in 70 O.S. § 134

# Charter School Attendance Boundaries

## 70 O.S. § 3-140

- Except for schools sponsored by State Board of Education or Statewide Virtual Charter School Board, attendance boundaries are based upon the boundaries of the school district in which the charter school is located
  - Enrollment of non-residents will require transfers in accordance with the Open Transfers Act at 70 O.S. § 8-103 or 8-104
- See AG Opinion (2012 OK AG 12)
- Note: Geographic boundaries of a statewide virtual charter school are borders of the state (70 O.S. § 3-145.3(B))



# Charter School Incentive Fund

70 O.S. § 3-144

# Charter School Incentive Fund

## 70 O.S. § 3-144

- Charter schools are eligible to apply for “start-up” funding from the State Department of Education. (“Charter School Incentive Fund”)
- SBE adopted rules governing the application process at 210:40-85-1 through 4.
  - ▣ See 210:40-95-3 for award criteria
- Money may only be used for specific expenditures
- Plan for funding must be submitted with application
- Charter school required to report to OSDE



# Statewide Virtual Charter Schools

70 O.S. § 3-145.1

# Statewide Virtual Charter Schools

## 70 O.S. § 3-143.5(A)

- Beginning July 1, 2014, **no school district shall offer full-time virtual education to students who are not residents of the school district** or enter into a virtual charter school contract with a provider to provide full-time virtual education to students who do not reside within the school district boundaries.
- Statewide Virtual Charter School Board will succeed to any contractual rights and responsibilities incurred by a school district in a virtual charter school contract executed prior to January 1, 2014, with a provider to provide full-time virtual education to students who do not reside within the school district boundaries

# Disclaimer

- OSDE Office of Legal Services represents the OSDE and the State Board of Education.
- This document provides general information regarding the Oklahoma Charter Schools Act and should not be construed as professional advice or opinion on specific facts or circumstances.
- Charter school applicants should consult with their own counsel for advice in matters regarding application of the Oklahoma Charter School Act to specific facts or circumstances.